

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6071 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

PATEL KHIMJI NARAN

Versus

STATE OF GUJARAT

Appearance:

MR BD KARIA for Petitioner
NOTICE SERVED BY DS for Respondent No. 1
MR HM BHAGAT for Respondent No. 4

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 25/07/2000

ORAL JUDGEMENT

Rulle. Mr.Bhagat appears and waives services of
rule.

1. The petitioner is aggrieved by the order dated 21.5.93 passed by the Deputy Collector, Stamp Duty Valuation Organisation, Surendranagar and order dated 17.1.1998 passed by the Chief Controlling Revenue Authority for the State of Gujarat in the matter of payment of stamp duty. The petitioner submits that with regard to identical property less stamp duty has been accepted for registration whereas the amount in excess is asked from the petitioner and the petitioner's case has been rejected at both levels. The petitioner seeks to place reliance on document-annexure "G" dated 12.4.1993 Mr.Bhagat pointed out that the petitioner did not produce these documents before the respondent No.1 or 2 in appeal and therefore the same could not have been considered by the respondent-authorities.

2. In the facts and circumstances, the petitioner submits that he may be granted another opportunity to produce the same before the concerned authorities, i.e. the respondent No.2-Deputy Collector, Stamp Duty Valuation Organisation, Surendranagar. Mr.Bhagat has no objection to said course of action being adopted.

3. In the facts and circumstances of the case, it is therefore directed that should the petitioners produce any documents claiming parity with others for the purpose of registration and payment of stamp duty, the Deputy Collector, Stamp Duty Valuation Organisation, Surendranagar shall consider the same in accordance with law and pass appropriate orders. If at all he comes to conclusion that the order, dated 21.5.1993 is required to be changed, in doing so he will not be influenced either by the order, dated 21.5.93 itself as also the order which has been passed by the Chief Controlling Revenue Authority on 17.1.1998. In case the Deputy Collector, Stamp Duty Valuation Organisation, Surendranagar comes to conclusion that no change is required, it will be open for him to pass appropriate orders in accordance with law to that effect and in such a case when no change required in the order dated 21.5.93 passed by the Deputy Collector, Stamp Duty Valuation Organisation both these orders, dated 21.5.93 and 17.1.1998 shall hold good. The petitioner also consents to the terms in which this order has been passed. Rule is made absolute in terms aforesaid only. No order as to costs. Direct Service is permitted.

25.7.2000 (M.S.SHAH, J)